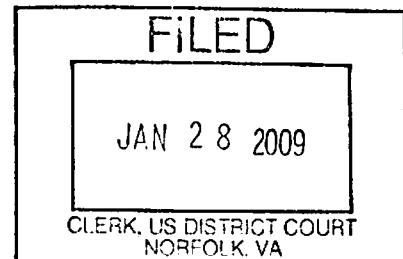


2:09mj39

REDACTED

AFFIDAVIT



1. I, K. A. Wright, a Special Agent with the Federal Bureau of Investigation (FBI), state that I have been employed as a Special Agent of the FBI for approximately 13 years. I am currently assigned to the Norfolk Division of the FBI conducting various criminal investigations to include crimes against children. I have conducted and participated in numerous federal criminal investigations and completed extensive training in the area of child exploitation.

2. I am presently conducting an investigation of SHAWN FORREST ENGLE, age 31, who I believe traveled in interstate commerce with the intent to have sex with a minor and produced a sexually explicit video of the minor. The term "minor", as used herein, is defined in Title 18, United States Code, Section 2256, as "any person under the age of eighteen years."

3. The information contained in this affidavit is based upon an investigation conducted by myself, and other law enforcement officers. Specifically, I relied on information provided to me by law enforcement officers with the Pittsburgh Office of the FBI, the Virginia Beach, Virginia Police Department (VBPD) and the Greenville, South Carolina Sheriff's Office (GSO), including statements made by the two minors discussed below.

4. I make this affidavit in support of a criminal complaint charging ENGLE with violating Title 18, United States Code, Sections 2251(a) and 2, which prohibits knowingly employing, using, persuading, inducing, enticing, and coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction will be transported in interstate commerce, knowing that such visual depiction will be produced using materials that have been mailed, shipped, and transported in interstate commerce, and with such visual depiction actually having been transported in interstate commerce.

**FACTUAL BACKGROUND**

Through my investigation, I determined the following:

5. In or about the Summer of 2008, SHAWN ENGLE began talking to a 13 year old female (minor) in South Carolina on MySpace.com. Soon after, he began sending her telephone text messages expressing his feelings for her and his desire to be with her. The GSO investigator reported to your affiant that the minor's mother initially met ENGLE on line and then introduced the minor to ENGLE. The minor and ENGLE communicated through MySpace.com on her family computer. Soon after these initial MySpace communications, the minor and ENGLE began text messaging each other on their cellular telephones.

6. On August 30, 2008, the South Carolina minor was reported missing by her father.

7. The minor was recovered on September 18, 2008, at ENGLE's mother's home in Gates, North Carolina. She then provided a written statement to GSO which contained the following information. She indicated that, after an altercation at her family home involving several family

members and after her mother had been hospitalized for another reason, she called ENGLE and asked him to come pick her up because she did not want to be home alone with one or more of her family members. She indicated that ENGLE came to South Carolina and picked her up the Saturday before [Memorial]<sup>1</sup> Day 2008. The minor stated that they drove to ENGLE's residence in Virginia Beach, Virginia. On the second night while at ENGLE's residence, the minor reported that she and ENGLE had sexual intercourse. She told GSO investigators that she had sex with ENGLE because she was afraid if she did not he would take her back home or get mad at her. The minor reported that ENGLE and she had sexual relations two to three times while at the Virginia Beach residence. After staying at the Virginia Beach residence for approximately one week, the minor reported that ENGLE then took her to his mother's residence in Gates, North Carolina.

8. The minor further told investigators that, while they were in Virginia Beach, Detective James Perry of the GSO, contacted ENGLE on his cellular telephone. She stated that while ENGLE talked to the Detective they continued to drive around and that ENGLE feared that the police were tracking his telephone. She stated that she could hear the conversation because she was sitting beside ENGLE in the vehicle. ENGLE told the Detective that the minor was not with him and that he had not talked to the minor.

9. Detective Perry advised that when he placed this call to ENGLE, he called telephone number [REDACTED].

10. A witness, who resided at the same residence where ENGLE lived in Virginia Beach, told VBPD investigators that ENGLE brought a young girl to the house and ENGLE told the witness that the girl was 17 years of age and that she was his girlfriend. The witness stated that she believed the girl to be approximately 13 years old. The witness stated that on one occasion she walked into the room as ENGLE and the girl were pulling up their pants.

11. Another witness, who also resided at the same house, stated to VBPD investigators that he recalled ENGLE showing up at the house with a very young girl. ENGLE and the girl stayed on a sleeper sofa and acted like girlfriend and boyfriend.

12. On October 24, 2008, VBPD and Norfolk FBI arrested ENGLE at his Virginia Beach residence as he exited his vehicle parked in front of the residence. Subsequent to his arrest and after being advised of his rights, ENGLE acknowledged to VBPD that he met the minor on MySpace.com. VBPD charged ENGLE with abduction of a 13 year old female child for the purpose of concubinage or prostitution in violation of Section 18.2-48, Code of Virginia, and carnal knowledge, without the use of force, of a child of the age of 13 in violation of Section 18.2-63, Code of Virginia.

13. Following ENGLE's arrest, assorted items to include a portable video camera and memory cards were collected by VBPD from ENGLE's vehicle.

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<sup>1</sup>It was actually the Saturday before Labor Day, which fell on September 1, 2008.

14. The VBPD then obtained search warrants for the various electronic devices retrieved from ENGLE'S vehicle, to include the digital video camera, media cards, and a cellular telephone (identified with telephone number [REDACTED], subscribed to by SHAWN ENGLE's mother).

15. During a review of the contents contained on the media cards, a video, approximately 45 minutes in length, was discovered. The video depicted ENGLE engaging in sexual acts and intercourse with a white, teenage female. Because the female depicted in the video recording appeared not to be the 13 year old minor from South Carolina, an investigation commenced to attempt to identify the female.

16. A review of ENGLE'S cell phone records for the period of August 19, 2008 through September 18, 2008, showed over 150 calls and/or text messages received and sent to telephone number [REDACTED]. The subscriber of this telephone was determined to be an individual in the State of Pennsylvania.

17. On January 12, 2009, a witness reported to agents that ENGLE had been chatting on the computer with a 16 year old female, known only by the nickname [nickname of minor redacted]. ENGLE told the witness that the 16 year old minor lived in Pennsylvania and that ENGLE traveled to Pennsylvania to meet and have sex with her. The witness recalled that these conversations with ENGLE occurred during the Summer of 2008.

18. On January 15, 2009, FBI Special Agents from the Pittsburgh FBI office traveled to the address listed on the subscriber information of the Pennsylvania telephone number. They determined that the actual user of the phone was a female, with the same nickname as reported by the witness in paragraph 17. The minor told agents that the phone was in her father's name, but she uses the phone and pays the phone bill. She further advised agents that she is currently 17 years old. Her mother gave agents permission to interview the minor.

19. The minor was shown a photograph of SHAWN ENGLE which she positively identified. She stated that approximately one to two years ago she and ENGLE began exchanging text messages by phone and computer.

20. The minor stated that the conversations between her and ENGLE were sexually explicit in nature to include comments by ENGLE as to what sexual activity he would like to engage in with her. At the time of the communications, she told ENGLE her age, which would have been approximately 16 years of age at the beginning of their relationship.

21. She further stated that ENGLE sent approximately 50 nude images of himself to her via computer and telephone.

22. The minor stated that ENGLE drove to Pennsylvania on two occasions. During the first visit, she did not know that ENGLE was coming to Pennsylvania. He simply showed up at her high school. They went to a Dollar Inn Hotel, located in Pennsylvania. During this first visit, the minor reported that they did not have sexual intercourse, but did engage in sexual activity.

23. Hotel records from the Dollar Inn, Somerset, Pennsylvania, indicate that SHAWN ENGLE checked into the hotel on April 16, 2008. He registered a White Isuzu Rodeo, North Carolina tags, as his vehicle. The minor stated that during this trip, ENGLE was driving a Jeep type vehicle, white in color.

24. The minor stated that ENGLE made a second trip to Pennsylvania and he picked her up near her residence in a Black SUV-type vehicle. They went to the Super 8 Motel, located in Somerset, Pennsylvania, where they engaged in sexual activity, including intercourse. The minor stated that ENGLE had a video camera with him and videotaped the sexual activity.

25. Hotel registration records for the Super 8 Motel, Somerset, Pennsylvania, indicate that SHAWN ENGLE checked into Room 122 on April 25, 2008. There was no record of his vehicle information. The interior of Room 122 at the Super 8 Motel matched the description of the hotel room depicted in the video recording referred to in paragraphs 15 and 24.

26. On January 22, 2009, the minor was interviewed again for the purpose of showing her a sanitized segment of the video recording of ENGLE engaging in sexual acts with a white female. The minor positively identified herself and ENGLE in the video.

27. On January 22, 2009, a witness residing in the State of Virginia, stated that he loaned his Ford Expedition, black in color, to ENGLE, for a trip to Pennsylvania in April 2008.

28. Bank records for ENGLE show bank card purchases for gasoline in Everett, Pennsylvania, which is located near Somerset, Pennsylvania, on April 21, 2008 and April 30, 2008.

CONCLUSION

29. Based on the facts set forth above, I submit that probable cause exists to charge SHAWN FORREST ENGLE with knowingly employing, using, persuading, inducing, enticing, and coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction will be transported in interstate commerce, knowing that such visual depiction will be produced using materials that have been mailed, shipped, and transported in interstate commerce, and with such visual depiction actually having been transported in interstate commerce, in violation of Title 18, United States Code, Sections 2251(a) and 2.

FURTHER YOUR AFFIANT SAITH NOT.

\_\_\_\_\_  
K. A. Wright  
Special Agent, FBI  
757/455-0100

SWORN AND SUBSCRIBED TO BEFORE ME THIS \_\_\_\_ DAY OF JANUARY 2009  
at NORFOLK, VIRGINIA.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

Seen and Approved:

Katherine Lee Martin  
Katherine Lee Martin  
Assistant United States Attorney